

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SCOTT BARBER,**

Plaintiff,

v.

**XPERT RESTORATION COLUMBUS,  
LLC., et al.,**

Defendants.

**Case No. 2:22-CV-910**

**Judge Graham**

**Magistrate Judge Vascura**

**ORDER**

This matter is before the Court for consideration of Magistrate Judge Vascura’s June 23, 2022 Report and Recommendation (“R&R”), Doc. 20. The R&R recommends that Plaintiff’s claims against Defendants Gabe Polsekio and Suzanne Blakeney be dismissed without prejudice for failure to timely effect service of process. Doc. 20 at 1. The Magistrate Judge notified Plaintiff of his failure on June 2, 2022, ordering him to show cause within 14 days why the Court should not dismiss Defendants Gabe Polsekio and Suzanne Blakeney for failure to effect service. Doc. 17. Plaintiff failed to respond to the show cause order or effect service on those defendants. Thus, the Magistrate Judge recommends those defendants be dismissed without prejudice. Doc. 20 at 1.

The R&R specifically advised the parties that failure to object to the R&R within fourteen days “will result in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” Doc. 20 at 2. The deadline for filing objections to the R&R has since expired, and no party has objected to the R&R.

The Court agrees with Magistrate Judge Vascura's R&R, Doc. 20, and it is hereby **ADOPTED**. Plaintiff's claims against Defendants Gabe Polsekio and Suzanne Blakeney are **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

s/ James L Graham  
JAMES L. GRAHAM  
United States District Judge

DATE: July 8, 2022